

ORIGINAL FILE
ILLINOIS COMMERCE COMMISSION

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

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ILLINOIS
COMMERCE COMMISSION

IN THE MATTER OF)
)
RAMSEY EMERGENCY SERVICES, INC.)
)
APPLICATION FOR A CERTIFICATE OF)
LOCAL AUTHORITY TO OPERATE AS A)
PROVIDER OF TELECOMMUNICATIONS)
SERVICES IN ALL AREAS IN THE STATE)
OF ILLINOIS.)

2004 DEC 14 A 10: 58

CHIEF CLERK'S OFFICE

Docket No. 04-0406

BRIEF ON EXCEPTIONS OF INTERVENOR
ILLINOIS CHAPTER NATIONAL EMERGENCY NUMBER ASSOCIATION

APPLICANT REQUESTS ORAL ARGUMENT IN ACCORDANCE WITH 83
ILL.ADM.CODE 200.850(a)(3)

Illinois Chapter National Emergency
Number Association
By Its Counsel:

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December 13, 2004

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NOW COMES, the Intervener, the Illinois Chapter of the National Emergency Number Association, by and through its counsel, John H. Kelly of Ottosen Trevarthen Britz Kelly & Cooper, Ltd. and, pursuant to Section 200.830 of the Illinois Commerce Commission Rules of Practice (83 Ill.Adm.Code 200.830), respectfully submits this brief on exceptions to the Administrative Law Judge's ("ALJ") Proposed Order ("PO") issued on November 30, 2004.

INENA will file no exceptions, but adopts those as filed by Ramsey Emergency Services, Inc.

I. Oral Argument Requested

In accordance with 83 Ill.Adm. Code 200.850(a)(3), Applicant requests oral argument before the Commission. This is a case of first impression in Illinois and has significant implications for the provision of emergency telephone service, widely regarded as an essential public service. Oral argument will assist the Commission in being apprised of all information and arguments, to the fullest extent possible.

II. Introduction

Ramsey Emergency Services, Inc. (RES) seeks authority to become a competitive provider of E911 emergency telephone services in the State of Illinois. The introduction of competition in the provision of E911 service will benefit the citizens of the State of Illinois by providing an incentive for providers of emergency telephone services to utilize the best technology available for Emergency Telephone Service Boards ("ETSB"), Public Safety Answering Points ("PSAP") and County and local governments. Better service and, secondarily,

cost savings, are direct benefits of competition. Perhaps in no other area of telephone service is the introduction of competition more important to the citizens of this state. The Illinois Chapter of the National Emergency Number Association (INENA) has as its purpose the fostering of the development, availability and implementation of a universal emergency telephone number. INENA believes that competition in the provision of E911 services can only benefit the E911 community and the citizens of the State of Illinois.

III. INENA Adopts and Accepts the Brief on Exceptions of the Applicant, Ramsey Emergency Services, Inc.

INENA has petitioned to intervene in this proceeding concurrent with the filing of this Brief. Should INENA be granted leave to intervene, INENA acknowledges that the Rules of the Illinois Commerce Commission (Commission) require that the Intervenor accept the status of the record as it exists at the time intervention is allowed. INENA adopts and agrees with the positions stated in the Brief on Exceptions of Ramsey Emergency Services, Inc. (RES). INENA's review of the Administrative Law Judge's Proposed Order supports the arguments of RES. INENA will not restate the points presented by RES.

IV. The Certification of Ramsey Emergency Services, Inc. as a Competitive Provider of E911 Emergency Telephone Service in the State of Illinois will Benefit the E911 Community and the Residents of the State of Illinois

INENA is made up of members who represent the E911 process throughout the State of Illinois. Both public safety and commercial members join together to "strive towards citizens having immediate access to emergency public

safety services so that safety of human life, protection of property and civic welfare are benefited to the utmost degree.”¹

The Emergency Telephone System Act, the Illinois statute which adopts the numbers 9-1-1 as the universal emergency number, has as its purpose the following:

“It is the purpose of this Act to establish the number ‘9-1-1’ as the primary emergency telephone number for use in this State and to encourage units of local government and combinations of such units to develop and improve emergency communication procedures and facilities in such a manner as to be able to quickly respond to any person calling the telephone number ‘9-1-1’ seeking police, fire, medical, rescue and other emergency services.”

50 ILCS 750/1.

Given this statutory mission, it is crucial that the 911 community have at its disposal the greatest number of resources possible to provide emergency telephone access to the citizens of Illinois. The presence of RES or other competitive local exchange carriers (CLEC) who can provide these services can only encourage and improve the opportunities to provide these services.

Testimony in this matter was presented by Norm Forshee, the 9-1-1 Coordinator of the St. Clair County Emergency Telephone System. Mr. Forshee is the former president of both INENA and the National Emergency Number Association (NENA). In his testimony, Mr. Forshee pointed out that RES has provided better service and a more timely response than the current provider, SBC. (St. Clair County Exhibit 1.0, p.1, In.13 to p.2, In. 28; p. 3, In. 44 to p.4, In.65). This opportunity for competition with SBC and the other incumbent

¹ Constitution and Bylaws, Illinois Chapter of the National Emergency Number Association, Art. I, Section 2A.

providers can only broaden the opportunities for the improvement of 911 service in Illinois.

The testimony of ICC staff, particularly Marci Schroll, the ICC 911 program representative, supported granting the approval of RES certification. Ms. Schroll did express some concerns about the nuts and bolts of RES operation. Certainly, the details of RES operation and provision of services will need to be spelled out and monitored by the Commission. All providers of E911 service in this state must be authorized by the ICC to provide that service. This authorization involves the submission of an operational plan to the ICC. The Emergency Telephone System Act authorizes the ICC to establish technical and operational standards for those plans. 50 ILCS 750/10, 50 ILCS 750/11. Should a current provider of E911 service wish to change their 911 service provider to RES or some other company, the ICC must be made aware of that change by the filing of a petition to amend the plan. This provides the ICC with the opportunity to monitor RES's ability to provide the services it seeks to provide. RES, like other 911 service providers, will have to provide service in accordance with Part 725 of the Illinois Administrative Code, 83 Ill. Adm. Code, Part 725, "Standards of Service Applicable to 9-1-1 Emergency Systems."

Finally, the application of RES only seeks authority to market its services in Illinois. The true test of RES's abilities will be in the competitive market. Prior to providing any service to an emergency telephone system board, RES will have to prove to them that it is capable of providing the services it says it can provide. If RES can provide better service at a lower cost and with a more dependable

track record than the current providers, it will get the business. If it cannot, RES will fail.

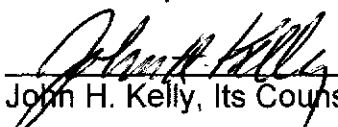
V. Conclusion

The Illinois legislature has established the numbers "9-1-1" as the universal emergency number in Illinois and has set up a specific plan to provide that service. The stated purpose of this plan is the provision of emergency service in a dependable and rapid manner. The emergency telephone system boards across the State are tasked with the provision of this service. Competition among the commercial providers of telephone and 911 service can only help the 911 community and the citizens of our state by providing dependable service at the lowest possible cost. Allowing competitors like RES into the market will provide an alternative to the 911 community. In these days of shrinking government dollars, the encouragement of competition can only provide a better environment for the users of 911 service.

Based on the reasons set out in this Brief and the positions advanced in the Brief on Exceptions of Ramsey Emergency Services, Inc., INENA asks that the Proposed Order be changed to reflect the approval of the application of Ramsey Emergency Services, Inc.

Respectfully submitted,
Illinois Chapter National Emergency Number Association

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STATE OF ILLINOIS
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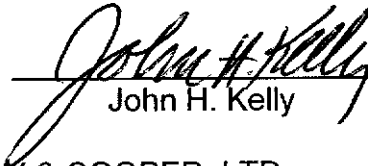
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NOTICE OF FILING AND MAILING

To: See Service List Attached Hereto


PLEASE TAKE NOTICE that on the 13th day of December, 2004, I served upon the above-named parties and filed with the Illinois Commerce Commission, Springfield, Illinois, a Petition to Intervene, a copy of which is attached hereto.


John H. Kelly

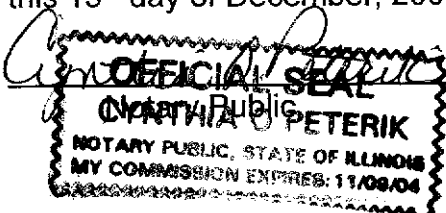
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PROOF OF SERVICE

I, the undersigned, on oath state that I served a true and correct copy of this notice by placing a true and correct copy of same via overnight mail and in the U.S. Mail, with proper postage prepaid, to the above persons on this 13th day of December, 2004.



SUBSCRIBED AND SWORN TO before me
this 13th day of December, 2004.



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